

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

IBRAHIM TURKMEN, AHMER ABBASI, ANSER  
MEHMOOD, BENAMAR BENATTA, SHAKIR  
BALOCH, AHMED KHALIFA, SAEED HAMMOUDA,  
YASSER EBRAHIM, ASHRAF IBRAHIM, HANY  
IBRAHIM, SYED AMJAD ALI JAFFRI, AKIL  
SACHVEDA, ASIF-UR-REHMAN SAFFI,  
and PURNA RAJ BAJRACHARYA on behalf  
of themselves and all others similarly situated,

Plaintiffs,

v.

JOHN ASHCROFT, former Attorney General  
of the United States, ROBERT MUELLER,  
Director of the Federal Bureau of Investigation,  
JAMES W. ZIGLAR, former Commissioner of  
the Immigration and Naturalization Service,  
DENNIS HASTY, former Warden of the  
Metropolitan Detention Center (MDC),  
MICHAEL ZENK, former Warden MDC,  
JAMES SHERMAN, former MDC Associate  
Warden for Custody; SALVATORE  
LOPRESTI, former MDC Captain; JOSEPH  
CUCITI, MDC Lieutenant, HOWARD GUSSAK, MDC  
Lieutenant, STEVEN BARRERE, MDC Lieutenant,  
WILLIAM BECK, MDC Lieutenant, LINDSEY  
BLEDSON, MDC Lieutenant, ELIZABETH TORRES,  
MDC Lieutenant, MARCIAL MUNDO, MDC Lieutenant,  
DANIEL ORTIZ, MDC Lieutenant, RAYMOND  
COTTON, MDC Counselor, JAMES CUFFEE, MDC  
Counselor, MICHAEL DEFRANSISCO, MDC  
Correctional Officer, RICHARD DIAZ, MDC Correctional  
Officer, KEVIN LOPEZ, MDC Correctional Officer,  
MARIO MACHADO, MDC Correctional Officer,  
MICHAEL MCCABE, MDC Correctional Officer,  
RAYMOND MICKEAS, MDC Correctional Officer, JON  
OSTEEN, MDC Correctional Officer, STUART PRAY,  
MDC Lieutenant, BRIAN RODRIGUEZ, MDC  
Correctional Officer, SCOTT ROSEBERY, MDC  
Correctional Officer, CHRISTOPHER WITSCHER, MDC  
Correctional Officer, PHILLIP BARNES, MDC  
Correctional Officer, SYDNEY CHASE, MDC  
Correctional Officer, and JOHN DOES,

Defendants.

Civil Action No. 02-cv-2307  
**NOTICE OF APPEAL**

Notice is hereby given that James Sherman, defendant in the above-named case, hereby appeals to the United States Court of Appeals for the Second Circuit from the order partially denying defendants' motions to dismiss entered in this action on the 15th day of January, 2013 (Doc. No. 767).

Dated: March 15, 2013

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 15, 2013, I caused the foregoing Notice of Appeal to be served upon all counsel of record and unrepresented parties via the Court's CM/ECF system.

/s/ Justin V. Shur

Justin V. Shur